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Attorney for Defendants Mitchell Clout
And Koil Content Creation Pty Ltd.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THAT ONE VIDEO
ENTERTAINMENT, LLC, a California
limited liability company,

Plaintiff,

v.

KOIL CONTENT CREATION PTY
LTD., an Australian proprietary
limited company doing business as
NOPIXEL; MITCHELL CLOUT, an
individual; and DOES 1-25,
inclusive,

Defendants.

Case No. 2:23-CV-02687 SVW
(JCx)

DEFENDANTS ANSWER TO
COMPLAINT

REQUEST FOR JURY TRIAL

Defendants KOIL CONTENT CREATION PTY LTD and MITCHELL
CLOUT (“Defendants”), hereby file their Answer and Affirmative Defenses to
Plaintiff’s Complaint and state as follows:

THE PARTIES

1. Defendants lack sufficient knowledge or information to form a belief as to
the truth of the allegations in Paragraph 1 and deny them on that basis.

1 2. Defendants admit the allegations in Paragraph 2 of the Complaint.

2 3. Defendants admit the allegations in Paragraph 3 of the Complaint.

3 4. To the extent that the allegations in Paragraph 4 are legal arguments or
4 conclusions, they require no answer. To the extent that an answer is required,
5 Defendants deny the allegations in Paragraph 4.

6 5. To the extent that the allegations in Paragraph 5 are legal arguments or
7 conclusions, they require no answer. To the extent that an answer is required,
8 Defendants deny the allegations in Paragraph 5.

9
10 JURISDICTION & VENUE

11 6. Defendants deny that allegations of Paragraph 6 of the Complaint.

12 7. Defendants deny the allegations of Paragraph 7 of the Complaint.

13 8. Defendants deny the allegations of Paragraph 8 of the Complaint.

14 FACTS COMMON TO ALL CAUSES OF ACTION

15 9. Defendants lack sufficient knowledge or information to form a belief as to
16 the truth of the allegations in Paragraph 9 and deny them on that basis.

17 10. Defendants lack sufficient knowledge or information to form a belief as to
18 the truth of the allegations in Paragraph 10 and deny them on that basis.

19 11. Defendants admit that they operate a videogame server for individuals to
20 play Grand Theft Auto V and deny the remaining allegations of Paragraph 11 of the
21 Complaint.

22 12. Defendants deny the allegations of Paragraph 12 of the Complaint.

23 13. Defendants admit that Tracey rendered services to Defendant Koil and deny
24 the remaining allegations of Paragraph 13 of the Complaint.

25 14. Defendants admit that Tracey participated in the Game on the NoPixel
26 Server. Defendants lack sufficient knowledge or information to form a belief as to
27 the truth of the remaining allegations in Paragraph 14 and deny them on that basis.
28

1 Complaint, despite admitting having knowledge of such facts, and Defendants have
2 been prejudiced by this delay on the part of Plaintiff so as to bar the claims for relief
3 by Plaintiff.

4 **THIRD DEFENSE**

5 Plaintiff, by their own conduct, has waived one or more of its claims alleged in
6 the Defendant.

7 **FOURTH DEFENSE**

8 Plaintiff's loss, damage, or injury, if any, was caused by the actions, inactions
9 or omissions of non-parties.

10 **FIFTH DEFENSE**

11 Plaintiff is estopped and barred from obtaining the relief requested in the
12 Complaint. The Complaint and each and every claim contained therein are barred by
13 reason of acts, omissions, representations, and courses of conduct by Plaintiff by
14 which Defendants were led to rely to its detriment, thereby barring relief under the
15 doctrine of equitable estoppel under any cause of action asserted by Plaintiff.

16 **SIXTH DEFENSE**

17 Plaintiff have failed to mitigate their damages.

18 **SEVENTH DEFENSE**

19 Plaintiff's conduct as it related to the subject matter of this action was and is
20 equitable as to Defendants, and as such Plaintiff are barred from any relief relating to
21 the actions of Defendants under the doctrine of unclean hands.

22 **EIGHTH DEFENSE**

23 Plaintiff lacks standing to bring these claims against Defendants.

24 **NINTH DEFENSE**

25 This court does not have personal jurisdiction against either Defendants

26 **TENTH DEFENSE**

27 This court does not have subject matter jurisdiction over this case.
28

1 **ELEVENTH DEFENSE**

2 This court is not the proper venue for this case.

3 **ADDITIONAL DEFENSES**

4 Defendant reserves the right to assert additional defenses based on information
5 learned or obtained through discovery or further investigation

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Defendants pray that this Court:

- 8 1. Enter judgment in their favor on each and every claim set forth in the
9 Complaint.
10 2. Dismiss the Complaint with prejudice.
11 3. Award Defendants their costs and attorneys' fees in this action; and
12 4. Award such other and further relief as this Court may deem just and
13 appropriate.

14
15 Date: February 26, 2024

MORRISON COOPER

16 By: /s/Larry Zerner

17 Larry Zerner

18 Attorney for Defendants

19 **DEMAND FOR TRIAL BY JURY**

20 Defendants pursuant to Rule 38 of the Federal Rules of Civil Procedure hereby
21 demand trial by jury of all issues so triable in the present action.
22

23 Date: February 26, 2024

MORRISON COOPER

24 By: /s/Larry Zerner

25 Larry Zerner

26 Attorney for Defendants
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